

EXHIBIT A

UNREDACTED VERSION

OF DOCUMENT

SOUGHT TO BE SEALED

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 WAYMO LLC

14 Plaintiffs,

15 v.

16 UBER TECHNOLOGIES, INC.;
17 OTTOMOTTO, LLC; OTTO TRUCKING
18 LLC,

19 Defendants.

Case No. 17-cv-00939-JCS

**PLAINTIFF’S AMENDED FOURTH
SUPPLEMENTAL OBJECTIONS AND
RESPONSES TO UBER’S FIRST SET OF
INTERROGATORIES (NOS. 1-11)**

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1 illustrative example, Waymo’s efforts to discover relevant evidence were thwarted by evasive
2 testimony from Defendants’ employees Gaetan Pennecot (Pennecot Dep. 62:3-13, 69:14-15) and
3 Daniel Gruver (Gruver Dep. 45:13-46:19) suggesting that [REDACTED] used in Fuji did not alter
4 [REDACTED] which was later contradicted by testimony provided by James Haslim in
5 his court-ordered deposition (Haslim May 4 Dep. 50:14-51:9), as well as by misleading testimony
6 from Gruver (Gruver Dep. 51:4-15) suggesting that Velodyne’s LiDARs used [REDACTED],
7 which was later contradicted in Haslim’s court-ordered deposition (Haslim May 4 Dep. 165:1-11).

SPECIFIC OBJECTIONS AND RESPONSES

10 Waymo expressly incorporates the above objections as though set forth fully in response to
11 each of the following individual interrogatories, and, to the extent that they are not raised in the
12 particular response, Waymo does not waive those objections.

INTERROGATORY NO. 1:

15 Identify each alleged Waymo trade secret from “Plaintiff’s List of Asserted Trade Secrets
16 Pursuant to Cal. Code Civ. Proc. Section 2019.210,” served on March 10, 2017, that You contend
17 is used by Uber, and identify all facts and Documents (by Bates number) that you believe support
18 Your contention.

RESPONSE TO INTERROGATORY NO. 1:

21 Waymo incorporates by reference its General Objections. Waymo further objects to this
22 interrogatory on the grounds that it is overbroad, unduly burdensome, and oppressive, including to
23 the extent that it asks Waymo to respond separately for each alleged Waymo trade secret. Waymo
24 further objects to this request to the extent it is compound, complex, and contains multiple
25 subparts. Waymo further objects to this interrogatory as premature to the extent it calls for
26 information that is subject to expert testimony. Waymo will provide expert testimony in
27 accordance with the Court’s procedural schedule.

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1 Subject to and without waiving the foregoing General and Specific Objections, Waymo
2 responds as follows:

3 The head of Defendants’ self-driving car program, Anthony Levandowski took from
4 Waymo over 14,000 design files containing Waymo’s proprietary information, as well as other
5 proprietary documents describing Waymo’s confidential trade secrets. *See* Declaration of Gary
6 Brown (“Brown Decl.”); Deposition Transcript of Anthony Levandowski (“Levandowski Dep.”)
7 at 20:9-24, 100:9-101:15, 115:3-16. The stolen files describe and contain certain of Waymo’s
8 asserted trade secrets including Trade Secret Nos. 1-8, 14-17, 19, 20, 38, 39, 42, 43, 46, 48, 49, 62,
9 63, and 75-109 from Waymo’s List of Asserted Trade Secrets. *See* Dkt. No. 25-7. Mr.
10 Levandowski, on behalf of Uber and in coordination with other Uber employees, including former
11 Waymo employees, used these files to design and build LIDAR designs and systems that include
12 information contained in and derived from Waymo’s trade secrets. *See* Levandowski Dep. at
13 20:9-24, 100:9-101:15, 115:3-16; *see also* Uber’s Response to Court Ordered Interrogatory No. 1,
14 Dkt. No. 265-1. They also used know-how contained in and derived from Waymo’s trade secrets
15 to determine risks and benefits associated with various LiDAR designs and systems, including
16 Trade Secret Nos. 110-121. *See id.* Further evidence of Uber’s use of Waymo’s asserted trade
17 secrets is provided below:

Trade Secret Nos. 1 and 4

18
19 Uber does not dispute that it uses Trade Secret Nos. 1 and 4. Uber uses Trade Secret No. 1
20 at least because [REDACTED]
21 [REDACTED]
22 [REDACTED]. Uber uses
23 Trade Secret No. 4 at least because the Fuji device includes a [REDACTED]
24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
25 [REDACTED]. Example documents describing Uber’s use of Trade Secret Nos. 1 and 4
26 include the following: Declaration of Scott Boehmke (“Boehmke Decl.”); Declaration of James
27 Haslim (“Haslim Decl.”), Ex. B; Deposition Transcript of James Haslim (“Haslim Tr.”) at 125:19-
28 126:1; WAYMO-UBER00000635; Fuji device produced for inspection; photographs of the Fuji

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1 device, including UBER00006244-254, 272-274, 289-296; CAD drawings of the Fuji device,
2 including UBER00011690-708, Document Production of Gorilla Circuits, including GOR
3 000001-174.

4 **Trade Secret Nos. 2, 3, and 6**

5 Uber uses Trade Secret No. 2 at least because the Fuji device includes or is derived from a

6 [REDACTED]

7 [REDACTED]

8 [REDACTED] Uber uses Trade Secret No. 3 at least because the Fuji
9 device includes or is derived from [REDACTED]

10 [REDACTED]

11 [REDACTED] Uber uses Trade Secret No. 6 at
12 least because the Fuji device [REDACTED]

13 [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 Example documents describing Uber’s use of Trade Secret Nos. 2, 3, and 6 include the
26 following: Haslim Decl., ¶ 15, Ex. B; WAYMO-UBER00000635; Fuji device produced for
27 inspection; photographs of the Fuji device, including UBER00006244-254, 272-274, 289-296;

28

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1 CAD drawings of the Fuji device, including UBER00011690-708, Document Production of
2 Gorilla Circuits, including GOR 000001-174.

3 **Trade Secret No. 5**

4 Uber uses Trade Secret No. 5 at least because the Fuji device includes [REDACTED]
5 [REDACTED] Example documents
6 describing Uber’s use of Trade Secret Nos. 2, 3, and 6 include the following: Fuji device produced
7 for inspection; photographs of the Fuji device, including WAYMO-UBER00000635;
8 UBER00006244-254, 272-274, 289-296; CAD drawings of the Fuji device, including
9 UBER00011690-708, Document Production of Gorilla Circuits, including GOR 000001-174.

10 **Trade Secret No. 7**

11 Uber does not deny that it uses Trade Secret No. 7. Uber uses Trade Secret No. 7 at least
12 because the Fuji device includes [REDACTED]

13 [REDACTED]
14 [REDACTED] Specifically, the Fuji device
15 [REDACTED] Example documents describing Uber’s
16 use of Trade Secret No. 7 include the following: Deposition Transcript of Michael Lebby (“Lebby
17 Tr.”) at 58:16-23; Deposition of Gaetan Pennecot (“Pennecot Tr.”); Haslim Tr. at 64:49;
18 WAYMO-UBER00000635; Fuji device produced for inspection; photographs of the Fuji device,
19 including UBER00006244-254, 272-274, 289-296; CAD drawings of the Fuji device, including
20 UBER00011690-708.

21 **Trade Secret No. 8**

22 Uber does not dispute that it uses Trade Secret No. 8. Uber uses Trade Secret No. 8 at
23 least because the Fuji device includes [REDACTED]

24 [REDACTED]
25 [REDACTED]
26 Example documents describing Uber’s use of Trade Secret No. 8 include the following:
27 WAYMO-UBER00000635; Fuji device produced for inspection; photographs of the Fuji device,

28

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1 including UBER00006244-254, 272-274, 289-296; CAD drawings of the Fuji device, including
 2 UBER00011690-708; Document Production of Gorilla Circuits, including GOR 000001-174.

Trade Secret Nos. 9 and 10

4 Uber uses Trade Secret No. 9 at least because the Fuji device includes [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]

9 [REDACTED]. Uber uses Trade Secret No. 10 at least because the Fuji device uses a
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]. Example

13 documents describing Uber’s use of Trade Secret Nos. 9 and 10 include the following:
 14 Supplemental Declaration of James Haslim (“Haslim Supp. Decl.”) ¶ 15; Supplemental
 15 Declaration of Michael Lebby (“Lebby Supp. Decl.”) ¶ 25, including cited CAD drawing and
 16 Zemax simulation; UBER00006248; UBER00006251; UBER00011317; UBER00011473
 17 UBER00011612; UBER00011613; UBER00011263; Pennecot Tr.; Haslim Tr. at 161:8-165:14,
 18 194:6-17; Fuji device produced for inspection; photographs of the Fuji device, including
 19 UBER00006244-254, 272-274, 289-296; CAD drawings of the Fuji device, including
 20 UBER00011690-708; Uber’s Responses to Waymo’s Second Set of Expedited Interrogatory Nos.
 21 10 and 11.

Trade Secret No. 13

23 Uber does not dispute that it uses Trade Secret No. 13. Uber uses Trade Secret No. 13 at
 24 least because the Fuji device implements a [REDACTED]
 25 [REDACTED]

26 [REDACTED] Example documents describing Uber’s use of Trade Secret No. 13 include the following:
 27 UBER00006246; WAYMO-UBER00000635; Fuji device produced for inspection; photographs of
 28 the Fuji device, including UBER00006244-254, 272-274, 289-296; CAD drawings of the Fuji

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1 device, including UBER00011690-708; Document Production of Gorilla Circuits, including GOR
2 000001-174.

3 **Trade Secret No. 14**

4 Uber uses Trade Secret No. 14 at least because the Fuji device implements a technique for

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED] Example documents describing Uber’s use of Trade Secret No. 13 include the following:
9 Haslim Decl., Ex. B; Haslim Supp. Tr. at 114:4-115:23; WAYMO-UBER00000635; Fuji device
10 produced for inspection; photographs of the Fuji device, including UBER00006244-254, 272-274,
11 289-296; CAD drawings of the Fuji device, including UBER00011690-708; Document Production
12 of Gorilla Circuits, including GOR 000001-174.

13 **Trade Secret No. 19**

14 Uber does not dispute that it uses Trade Secret No. 19. Uber uses Trade Secret No. 19 at
15 least because the Fuji device includes a [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED] Example documents describing
19 Uber’s use of Trade Secret No. 13 include the following: UBER00011242; Fuji device produced
20 for inspection; photographs of the Fuji device, including UBER00006261-264, 275, 277, 279-258;
21 CAD drawings of the Fuji device produced for inspection.

22 **Trade Secret Nos. 48 and 90**

23 Uber uses Trade Secret No. 48 at least because the Spider device includes a [REDACTED]

24 [REDACTED]

25 [REDACTED]

26 [REDACTED] Uber uses Trade Secret No. 90 at least because the Spider
27 device uses information contained in or derived from the document titled, [REDACTED]

28 [REDACTED] Example

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documents describing Uber’s use of Trade Secret Nos. 48 and 90 include the following: UBER00005076; UBER00005076; UBER00005077; UBER00011676; UBER00011678; UBER00017389; Khirshagar Tr. at 34:6-37:4; Haslim Supp. Decl. ¶ 7; Haslim Tr. at 17:24-24:24; Haslim Dep. Ex. 150; Spider device produced for inspection; photographs of the Spider device, including UBER00006265-71.

Trade Secret Nos. 94-99

Uber uses Trade Secret Nos. 94-99 at least because the Fuji device includes [REDACTED] that incorporate design information contained in or derived from files downloaded by Anthony Levandowski on December 11, 2015 from Waymo’s SVN schematic repository folder [REDACTED]. Example documents describing Uber’s use of Trade Secret Nos. 94-99 include the following: Haslim Decl., Ex. B; WAYMO-UBER00000635; Fuji device produced for inspection; photographs of the Fuji device, including UBER00006244-254, 272-274, 289-296; CAD drawings of the Fuji device, including UBER00011690-708; Document Production of Gorilla Circuits, including GOR 000001-174.

Discovery is ongoing and Waymo reserves the right to supplement this response after further discovery and investigation into Uber’s use of Waymo’s trade secrets.

FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1:

Waymo incorporates by reference its General Objections. Waymo further objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and oppressive, including to the extent that it asks Waymo to respond separately for each alleged Waymo trade secret. Waymo further objects to this request to the extent it is compound, complex, and contains multiple subparts. Waymo further objects to this interrogatory as premature to the extent it calls for information that is subject to expert testimony. Waymo will provide expert testimony in accordance with the Court’s procedural schedule.

Subject to and without waiving the foregoing General and Specific Objections, Waymo responds as follows:

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1 including UBER00011690-708, Document Production of Gorilla Circuits, including GOR
2 000001-174.

3 **Trade Secret Nos. 2, 3, and 6**

4 Uber uses Trade Secret No. 2 at least because the Fuji device includes or is derived from a

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]. Uber uses Trade Secret No. 3 at least because [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED] Uber uses Trade Secret No. 6 at

11 least because the Fuji device includes or is derived from [REDACTED]

12 [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 Example documents describing Uber’s use of Trade Secret Nos. 2, 3, and 6 include the
25 following: Haslim Decl., ¶ 15, Ex. B; WAYMO-UBER00000635; Fuji device produced for
26 inspection; photographs of the Fuji device, including UBER00006244-254, 272-274, 289-296;
27 CAD drawings of the Fuji device, including UBER00011690-708, Document Production of
28 Gorilla Circuits, including GOR 000001-174; Apr. 13, 2017 Linaval Tr. at 60:1-9; Apr. 17, 2017

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Boehmke Tr. at 65:14-66:25; Apr. 18, 2017 Haslim Tr. at 60:18-62:6, 76:9-12; Apr. 20, 2017 Gruver Tr. at 52:14-54:5; May 4, 2017 Haslim Tr. at 70:16-71:9, 89:5-17, 174:4-10.

Trade Secret No. 5

Uber uses Trade Secret No. 5 at least because the Fuji device includes [REDACTED] [REDACTED] Example documents describing Uber’s use of Trade Secret Nos. 2, 3, and 6 include the following: Fuji device produced for inspection; photographs of the Fuji device, including WAYMO-UBER00000635; UBER00006244-254, 272-274, 289-296; CAD drawings of the Fuji device, including UBER00011690-708, Document Production of Gorilla Circuits, including GOR 000001-174.

Trade Secret No. 7

Uber does not deny that it uses Trade Secret No. 7. Uber uses Trade Secret No. 7 at least because the Fuji device includes [REDACTED] [REDACTED] [REDACTED]. Specifically, the Fuji device [REDACTED] Example documents describing Uber’s use of Trade Secret No. 7 include the following: Deposition Transcript of Michael Lebby (“Lebby Tr.”) at 58:16-23; Deposition of Gaetan Pennecot (“Pennecot Tr.”); Haslim Tr. at 62:8-20, 64:49; WAYMO-UBER00000635; Fuji device produced for inspection; photographs of the Fuji device, including UBER00006244-254, 272-274, 289-296; CAD drawings of the Fuji device, including UBER00011690-708.

Trade Secret No. 8

Uber does not dispute that it uses Trade Secret No. 8. Uber uses Trade Secret No. 8 at least because [REDACTED] [REDACTED] [REDACTED]. Example documents describing Uber’s use of Trade Secret No. 8 include the following: WAYMO-UBER00000635; Fuji device produced for inspection; photographs of the Fuji device,

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1 including UBER00006244-254, 272-274, 289-296; CAD drawings of the Fuji device, including
 2 UBER00011690-708; Document Production of Gorilla Circuits, including GOR 000001-174.

Trade Secret Nos. 9 and 10

4 Uber uses Trade Secret No. 9 at least because the Fuji device includes [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]

9 [REDACTED] Uber uses Trade Secret No. 10 at least because the Fuji device uses a
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED] Example

13 documents describing Uber’s use of Trade Secret Nos. 9 and 10 include the following:
 14 Supplemental Declaration of James Haslim (“Haslim Supp. Decl.”) ¶ 15; Supplemental
 15 Declaration of Michael Lebby (“Lebby Supp. Decl.”) ¶ 25, including cited CAD drawing and
 16 Zemax simulation; UBER00006248; UBER00006251; UBER00011317; UBER00011473
 17 UBER00011612; UBER00011613; UBER00011263; Pennecot Tr.; Haslim Tr. at 161:8-165:14,
 18 194:6-17; Fuji device produced for inspection; photographs of the Fuji device, including
 19 UBER00006244-254, 272-274, 289-296; CAD drawings of the Fuji device, including
 20 UBER00011690-708; Uber’s Responses to Waymo’s Second Set of Expedited Interrogatory Nos.
 21 10 and 11; May 4, 2017 Haslim Tr. at 49:16-51:20; June 14, 2017 Pennecot Tr. at 246:19-247:14.

Trade Secret No. 13

23 Uber does not dispute that it uses Trade Secret No. 13. Uber uses Trade Secret No. 13 at
 24 least because the Fuji device implements a technique for [REDACTED]
 25 [REDACTED]

26 [REDACTED] Example documents describing Uber’s use of Trade Secret No. 13 include the following:
 27 UBER00006246; WAYMO-UBER00000635; Fuji device produced for inspection; photographs of
 28 the Fuji device, including UBER00006244-254, 272-274, 289-296; CAD drawings of the Fuji

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1 device, including UBER00011690-708; Document Production of Gorilla Circuits, including GOR
 2 000001-174; Pennecot Tr. (Vol. 2) at 261:19-265:11; Depo. Exhibit 106 (UBER0059852);
 3 Pennecot Tr. (Vol. 3) at 423:11-424:17; UBER00072127.

Trade Secret No. 14

4
 5 Uber uses Trade Secret No. 14 at least because the Fuji device implements a technique for
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]

9 [REDACTED] Example documents describing Uber’s use of Trade Secret No. 13 include the following:
 10 Haslim Decl., Ex. B; Haslim Supp. Tr. at 114:4-115:23; WAYMO-UBER00000635; Fuji device
 11 produced for inspection; photographs of the Fuji device, including UBER00006244-254, 272-274,
 12 289-296; CAD drawings of the Fuji device, including UBER00011690-708; Document Production
 13 of Gorilla Circuits, including GOR 000001-174; UBER00017468; Pennecot Tr. (Vol. 3) at
 14 352:20-355:24; Linaval Tr. at 59:4-23.

Trade Secret No. 19

15
 16 Uber does not dispute that it uses Trade Secret No. 19. Uber uses Trade Secret No. 19 at
 17 least because [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]

20 [REDACTED] Example documents describing
 21 Uber’s use of Trade Secret No. 13 include the following: UBER00011242; Fuji device produced
 22 for inspection; photographs of the Fuji device, including UBER00006261-264, 275, 277, 279-258;
 23 CAD drawings of the Fuji device produced for inspection.

Trade Secret No. 25

24
 25 Uber uses Trade Secret No. 25 at least because the acquisition of Otto was driven by
 26 Anthony Levandowski’s knowledge of Waymo’s [REDACTED] including the
 27 [REDACTED] Example documents
 28 describing Uber’s use of Trade Secret No. 25 include the following: UBER00018068.

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1 Discovery is ongoing and Waymo reserves the right to supplement this response after
 2 further discovery and investigation into Uber’s use of Waymo’s trade secrets.

Trade Secret Nos. 48 and 90

4 Uber uses Trade Secret No. 48 at least because the Spider device includes [REDACTED]
 5 [REDACTED]
 6 [REDACTED]

7 [REDACTED] Uber uses Trade Secret No. 90 at least because the Spider
 8 device uses information contained in or derived from the document titled, [REDACTED]

9 [REDACTED] from page 7 of the document. Example
 10 documents describing Uber’s use of Trade Secret Nos. 48 and 90 include the following:
 11 UBER00005076; UBER00005076; UBER00005077; UBER00011676; UBER00011678;
 12 UBER00017389; UBER00016399; UBER00017831-38; UBER00017839-51; UBER00017854-
 13 55; UBER00017856-57; UBER00017858-76; UBER00017877-89; UBER00017890;
 14 UBER00017891; UBER00017892; Khirshagar Tr. at 34:6-37:4; Haslim Supp. Decl. ¶ 7; Haslim
 15 Tr. at 17:24-24:24; Haslim Dep. Ex. 150; Spider device produced for inspection; photographs of
 16 the Spider device, including UBER00006265-71.

Trade Secret No. 72

18 Uber uses Trade Secret No. 72 at least because the Fuji device is a LiDAR sensor capable
 19 of fulfilling [REDACTED]
 20 [REDACTED]
 21 [REDACTED]

22 Example documents describing Uber’s use of Trade Secret No. 72 include the following: Haslim
 23 Decl.; UBER00072238; Fuji device produced for inspection; photographs of the Fuji device,
 24 including UBER00006244-254, 272-274, 289-296; CAD drawings of the Fuji device, including
 25 UBER00011690-708; Document Production of Gorilla Circuits, including GOR 000001-174.

Trade Secret Nos. 94-99

27 Uber uses Trade Secret Nos. 94-99 at least because the Fuji device includes [REDACTED]
 28 [REDACTED] that incorporate design information contained in or derived from files downloaded by

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1 Anthony Levandowski on December 11, 2015 from Waymo’s SVN schematic repository folder
2 [REDACTED] Example documents describing Uber’s use of Trade
3 Secret Nos. 94-99 include the following: Haslim Decl., Ex. B; WAYMO-UBER00000635; Fuji
4 device produced for inspection; photographs of the Fuji device, including UBER00006244-254,
5 272-274, 289-296; CAD drawings of the Fuji device, including UBER00011690-708; Document
6 Production of Gorilla Circuits, including GOR 000001-174.

Trade Secret No. 111

8 Uber uses Trade Secret No. 111 at least because it considered but rejected [REDACTED]
9 [REDACTED] opting for a different design that would actually work for
10 self-driving cars based on Anthony Levandowski and other engineers’ knowledge of Waymo’s
11 trade secrets. Example documents describing Uber’s use of Trade Secret No. 111 include the
12 following: UBER00072238.

Trade Secret No. 118

14 Uber uses Trade Secret No. 118 at least because it considered but rejected [REDACTED]
15 [REDACTED] opting for a different design that would actually work
16 for self-driving cars based on Anthony Levandowski and other engineers’ knowledge of Waymo’s
17 trade secrets. Example documents describing Uber’s use of Trade Secret No. 118 include the
18 following: UBER00072238.

19 Discovery is ongoing and Waymo reserves the right to supplement this response after
20 further discovery and investigation into Uber’s use of Waymo’s trade secrets.

SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1:

23 Waymo incorporates by reference its General Objections. Waymo further objects to this
24 interrogatory on the grounds that it is overbroad, unduly burdensome, and oppressive, including to
25 the extent that it asks Waymo to respond separately for each alleged Waymo trade secret. Waymo
26 further objects to this request to the extent it is compound, complex, and contains multiple
27 subparts. Waymo further objects to this interrogatory as premature to the extent it calls for
28

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1 information that is subject to expert testimony. Waymo will provide expert testimony in
2 accordance with the Court’s procedural schedule.

3 Subject to and without waiving the foregoing General and Specific Objections, Waymo
4 responds as follows:

5 The head of Defendants’ self-driving car program, Anthony Levandowski took from
6 Waymo over 14,000 design files containing Waymo’s proprietary information, as well as other
7 proprietary documents describing Waymo’s confidential trade secrets. *See* Declaration of Gary
8 Brown (“Brown Decl.”); Deposition Transcript of Anthony Levandowski (“Levandowski Dep.”)
9 at 20:9-24, 100:9-101:15, 115:3-16. The stolen files describe and contain certain of Waymo’s
10 asserted trade secrets including Trade Secret Nos. 1-8, 14-17, 19, 20, 38, 39, 42, 43, 46, 48, 49, 62,
11 63, and 75-109 from Waymo’s List of Asserted Trade Secrets. *See* Dkt. No. 25-7. Mr.
12 Levandowski, on behalf of Uber and in coordination with other Uber employees, including former
13 Waymo employees, used these files to design and build LIDAR designs and systems that include
14 information contained in and derived from Waymo’s trade secrets. *See* Levandowski Dep. at
15 20:9-24, 100:9-101:15, 115:3-16; *see also* Uber’s Response to Court Ordered Interrogatory No. 1,
16 Dkt. No. 265-1. They also used know-how contained in and derived from Waymo’s trade secrets
17 to determine risks and benefits associated with various LiDAR designs and systems, including
18 Trade Secret Nos. 110-121. *See id.* Further evidence of Uber’s use of Waymo’s asserted trade
19 secrets is provided below:

Trade Secret Nos. 1 and 4

20 Uber does not dispute that it uses Trade Secret Nos. 1 and 4. Uber uses Trade Secret No. 1
21 at least because [REDACTED]
22 [REDACTED]
23 [REDACTED]

24 [REDACTED]. Uber uses
25 Trade Secret No. 4 at least because [REDACTED]
26 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

27 [REDACTED] Example documents describing Uber’s use of Trade Secret Nos. 1 and 4
28 include the following: Declaration of Scott Boehmke (“Boehmke Decl.”); Declaration of James

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1 Haslim (“Haslim Decl.”), Ex. B; Deposition Transcript of James Haslim (“Haslim Tr.”) at 125:19-
2 126:1; WAYMO-UBER00000635; Fuji device produced for inspection; photographs of the Fuji
3 device, including UBER00006244-254, 272-274, 289-296; CAD drawings of the Fuji device,
4 including UBER00011690-708, Document Production of Gorilla Circuits, including GOR
5 000001-174.

6 **Trade Secret Nos. 2, 3, and 6**

7 Uber uses Trade Secret No. 2 at least because the Fuji device includes or is derived from a

8 [REDACTED]

9 [REDACTED]

10 [REDACTED] Uber uses Trade Secret No. 3 at least because the Fuji
11 device includes or is derived from [REDACTED]

12 [REDACTED]

13 [REDACTED] Uber uses Trade Secret No. 6 at
14 least because [REDACTED]

15 [REDACTED]

16 [REDACTED] [REDACTED]

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]

27 Example documents describing Uber’s use of Trade Secret Nos. 2, 3, and 6 include the
28 following: Haslim Decl., ¶ 15, Ex. B; WAYMO-UBER00000635; Fuji device produced for

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1 inspection; photographs of the Fuji device, including UBER00006244-254, 272-274, 289-296;
 2 CAD drawings of the Fuji device, including UBER00011690-708, Document Production of
 3 Gorilla Circuits, including GOR 000001-174; Apr. 13, 2017 Linaval Tr. at 60:1-9; Apr. 17, 2017
 4 Boehmke Tr. at 65:14-66:25; Apr. 18, 2017 Haslim Tr. at 60:18-62:6, 76:9-12; Apr. 20, 2017
 5 Gruver Tr. at 52:14-54:5; May 4, 2017 Haslim Tr. at 70:16-71:9, 89:5-17, 174:4-10.

Trade Secret No. 5

6 Uber uses Trade Secret No. 5 at least because the Fuji device includes [REDACTED]
 7 [REDACTED] Example documents
 8 [REDACTED]
 9 describing Uber’s use of Trade Secret Nos. 2, 3, and 6 include the following: Fuji device produced
 10 for inspection; photographs of the Fuji device, including WAYMO-UBER00000635;
 11 UBER00006244-254, 272-274, 289-296; CAD drawings of the Fuji device, including
 12 UBER00011690-708, Document Production of Gorilla Circuits, including GOR 000001-174.

Trade Secret No. 7

13 Uber does not deny that it uses Trade Secret No. 7. Uber uses Trade Secret No. 7 at least
 14 because the [REDACTED]
 15 [REDACTED]
 16 [REDACTED]. Specifically, the Fuji device
 17 [REDACTED]. Example documents describing Uber’s
 18 use of Trade Secret No. 7 include the following: Deposition Transcript of Michael Lebby (“Lebby
 19 Tr.”) at 58:16-23; Deposition of Gaetan Pennecot (“Pennecot Tr.”); Haslim Tr. at 62:8-20, 64:49;
 20 WAYMO-UBER00000635; Fuji device produced for inspection; photographs of the Fuji device,
 21 including UBER00006244-254, 272-274, 289-296; CAD drawings of the Fuji device, including
 22 UBER00011690-708.
 23

Trade Secret No. 8

24 Uber does not dispute that it uses Trade Secret No. 8. Uber uses Trade Secret No. 8 at
 25 least because [REDACTED]
 26 [REDACTED]
 27 [REDACTED]
 28 [REDACTED]

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1 Example documents describing Uber’s use of Trade Secret No. 8 include the following:
 2 WAYMO-UBER00000635; Fuji device produced for inspection; photographs of the Fuji device,
 3 including UBER00006244-254, 272-274, 289-296; CAD drawings of the Fuji device, including
 4 UBER00011690-708; Document Production of Gorilla Circuits, including GOR 000001-174.

Trade Secret Nos. 9 and 10

5
 6 Uber uses Trade Secret No. 9 at least because the Fuji device includes [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]

11 [REDACTED] Uber uses Trade Secret No. 10 at least because the Fuji device uses a
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]. Example

15 documents describing Uber’s use of Trade Secret Nos. 9 and 10 include the following:
 16 Supplemental Declaration of James Haslim (“Haslim Supp. Decl.”) ¶ 15; Supplemental
 17 Declaration of Michael Lebby (“Lebby Supp. Decl.”) ¶ 25, including cited CAD drawing and
 18 Zemax simulation; UBER00006248; UBER00006251; UBER00011317; UBER00011473
 19 UBER00011612; UBER00011613; UBER00011263; Pennecot Tr.; Haslim Tr. at 161:8-165:14,
 20 194:6-17; Fuji device produced for inspection; photographs of the Fuji device, including
 21 UBER00006244-254, 272-274, 289-296; CAD drawings of the Fuji device, including
 22 UBER00011690-708; Uber’s Responses to Waymo’s Second Set of Expedited Interrogatory Nos.
 23 10 and 11; May 4, 2017 Haslim Tr. at 49:16-51:20; June 14, 2017 Pennecot Tr. at 246:19-247:14;
 24 UBER00011609, UBER00075094, UBER00075131, UBER00074334.

Trade Secret No. 13

25
 26 Uber does not dispute that it uses Trade Secret No. 13. Uber uses Trade Secret No. 13 at
 27 least because the Fuji device [REDACTED]
 28 [REDACTED]

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1 [REDACTED] Example documents describing Uber’s use of Trade Secret No. 13 include the following:
 2 UBER00006246; WAYMO-UBER00000635; Fuji device produced for inspection; photographs of
 3 the Fuji device, including UBER00006244-254, 272-274, 289-296; CAD drawings of the Fuji
 4 device, including UBER00011690-708; Document Production of Gorilla Circuits, including GOR
 5 000001-174; Pennecot Tr. (Vol. 2) at 261:19-265:11; Depo. Exhibit 106 (UBER0059852);
 6 Pennecot Tr. (Vol. 3) at 423:11-424:17; UBER00072127.

Trade Secret No. 14

8 Uber uses Trade Secret No. 14 at least because the Fuji device implements a technique for

9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]

12 [REDACTED] Example documents describing Uber’s use of Trade Secret No. 13 include the following:
 13 Haslim Decl., Ex. B; Haslim Supp. Tr. at 114:4-115:23; WAYMO-UBER00000635; Fuji device
 14 produced for inspection; photographs of the Fuji device, including UBER00006244-254, 272-274,
 15 289-296; CAD drawings of the Fuji device, including UBER00011690-708; Document Production
 16 of Gorilla Circuits, including GOR 000001-174; UBER00017468; Pennecot Tr. (Vol. 3) at
 17 352:20-355:24; Linaval Tr. at 59:4-23.

Trade Secret No. 19

19 Uber does not dispute that it uses Trade Secret No. 19. Uber uses Trade Secret No. 19 at
 20 least because the Fuji device includes [REDACTED]

21 [REDACTED]
 22 [REDACTED]

23 [REDACTED] Example documents describing
 24 Uber’s use of Trade Secret No. 13 include the following: UBER00011242; Fuji device produced
 25 for inspection; photographs of the Fuji device, including UBER00006261-264, 275, 277, 279-258;
 26 CAD drawings of the Fuji device produced for inspection.

Trade Secret No. 25

28

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1 Uber uses Trade Secret No. 25 at least because the acquisition of Otto was driven by
 2 Anthony Levandowski’s knowledge of Waymo’s [REDACTED], including the
 3 [REDACTED]. Example documents
 4 describing Uber’s use of Trade Secret No. 25 include the following: UBER00018068;
 5 UBER00060321.

6 Discovery is ongoing and Waymo reserves the right to supplement this response after
 7 further discovery and investigation into Uber’s use of Waymo’s trade secrets.

Trade Secret Nos. 48 and 90

8 Uber uses Trade Secret No. 48 at least because the Spider device includes [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED] Uber uses Trade Secret No. 90 at least because the Spider
 13 device uses information contained in or derived from the document titled, [REDACTED]
 14 [REDACTED] from page 7 of the document. Example
 15 documents describing Uber’s use of Trade Secret Nos. 48 and 90 include the following:
 16 UBER00005076; UBER00005076; UBER00005077; UBER00011676; UBER00011678;
 17 UBER00017389; UBER00016399; UBER00017831-38; UBER00017839-51; UBER00017854-
 18 55; UBER00017856-57; UBER00017858-76; UBER00017877-89; UBER00017890;
 19 UBER00017891; UBER00017892; Khirshagar Tr. at 34:6-37:4; Haslim Supp. Decl. ¶ 7; Haslim
 20 Tr. at 17:24-24:24; Haslim Dep. Ex. 150; Spider device produced for inspection; photographs of
 21 the Spider device, including UBER00006265-71.

Trade Secret No. 72

22 Uber uses Trade Secret No. 72 at least because the Fuji device is [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]
 26 [REDACTED]
 27 Example documents describing Uber’s use of Trade Secret No. 72 include the following: Haslim
 28 Decl.; UBER00072238; Fuji device produced for inspection; photographs of the Fuji device,

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1 including UBER00006244-254, 272-274, 289-296; CAD drawings of the Fuji device, including
2 UBER00011690-708; Document Production of Gorilla Circuits, including GOR 000001-174.

Trade Secret Nos. 94-99

3
4 Uber uses Trade Secret Nos. 94-99 at least because the Fuji device includes [REDACTED]
5 [REDACTED] that incorporate design information contained in or derived from files downloaded by
6 Anthony Levandowski on December 11, 2015 from Waymo’s SVN schematic repository folder
7 [REDACTED] and subfolders. Example documents describing Uber’s use of Trade
8 Secret Nos. 94-99 include the following: Haslim Decl., Ex. B; WAYMO-UBER00000635; Fuji
9 device produced for inspection; photographs of the Fuji device, including UBER00006244-254,
10 272-274, 289-296; CAD drawings of the Fuji device, including UBER00011690-708; Document
11 Production of Gorilla Circuits, including GOR 000001-174.

Trade Secret No. 111

12
13 Uber uses Trade Secret No. 111 at least because it considered but rejected [REDACTED]
14 [REDACTED] opting for a different design that would actually work for
15 self-driving cars based on Anthony Levandowski and other engineers’ knowledge of Waymo’s
16 trade secrets. Indeed, while leading Uber’s self-driving car efforts, Anthony Levandowski stated
17 that: “We understand what not to do and where not to waste time, because we have experience
18 from having tried it before and it didn’t work And we have experience trying things that do
19 work, so we’re just doing the things that do work, and focus on that.” *See, e.g.,* Jaffe Ex. 53, Dkt.
20 27-33 (<https://www.forbes.com/sites/briansolomon/2017/02/23/meet-the-former-google-engineer-who-allegedly-stole-secrets-for-uber-anthony-levandowski/print/>). Example documents
21 describing Uber’s use of Trade Secret No. 111 include the following: UBER00072238.

Trade Secret No. 118

22
23
24 Uber uses Trade Secret No. 118 at least because it considered but rejected using [REDACTED]
25 [REDACTED] opting for a different design that would actually work
26 for self-driving cars based on Anthony Levandowski and other engineers’ knowledge of Waymo’s
27 trade secrets. Indeed, while leading Uber’s self-driving car efforts, Anthony Levandowski stated
28 that: “We understand what not to do and where not to waste time, because we have experience

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1 from having tried it before and it didn’t work And we have experience trying things that do
2 work, so we’re just doing the things that do work, and focus on that.” *See, e.g.,* Jaffe Ex. 53, Dkt.
3 27-33 ([https://www.forbes.com/sites/briansolomon/2017/02/23/meet-the-former-google-engineer-](https://www.forbes.com/sites/briansolomon/2017/02/23/meet-the-former-google-engineer-who-allegedly-stole-secrets-for-uber-anthony-levandowski/print/)
4 [who-allegedly-stole-secrets-for-uber-anthony-levandowski/print/](https://www.forbes.com/sites/briansolomon/2017/02/23/meet-the-former-google-engineer-who-allegedly-stole-secrets-for-uber-anthony-levandowski/print/)). Example documents
5 describing Uber’s use of Trade Secret No. 118 include the following: UBER00072238.

6 Discovery is ongoing and Waymo reserves the right to supplement this response after
7 further discovery and investigation into Uber’s use of Waymo’s trade secrets.

8
9 **INTERROGATORY NO. 2:**

10 Separately for each alleged Waymo trade secret identified in response to Interrogatory No.
11 1, identify each Person who you claim has knowledge that Uber has used that trade secret, and
12 your basis for asserting that that person has knowledge of use of that specific trade secret.

13
14 **RESPONSE TO INTERROGATORY NO. 2:**

15 Waymo incorporates by reference its General Objections. Waymo further objects to this
16 interrogatory on the grounds that it is overbroad, unduly burdensome, and oppressive, including to
17 the extent that it asks Waymo to respond separately for each alleged Waymo trade secret. Waymo
18 further objects to this request to the extent it is compound, complex, and contains multiple
19 subparts.

20 Subject to and without waiving the foregoing General and Specific Objections, Waymo
21 responds as follows: Waymo identifies the individuals in the documents and deposition testimony
22 cited in Waymo’s response to Interrogatory No. 1. Waymo further identifies all individuals
23 identified by Defendants in response to Court Ordered Interrogatory No. 2. Waymo prospectively
24 identifies those individuals to be identified by Uber in its required accounting pursuant to the
25 Court’s preliminary injunction order. Waymo identifies these individuals based on their
26 conversations with Mr. Levandowski who has possessed and/or still does possess Waymo’s
27 confidential documents as described in Waymo’s response to Interrogatory No. 1, Waymo’s Trade
28 Secret List, and the Court’s preliminary injunction order.

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1 00026483, WAYMO-UBER-00026485, WAYMO-UBER-00026486, WAYMO-UBER-
2 00026487, WAYMO-UBER-00026488, WAYMO-UBER-00026489, WAYMO-UBER-
3 00026490, WAYMO-UBER-00026491, WAYMO-UBER-00026492, WAYMO-UBER-
4 00026493, WAYMO-UBER-00026495, WAYMO-UBER-00026496, WAYMO-UBER-
5 00026497, WAYMO-UBER-00026498, WAYMO-UBER-00026500, WAYMO-UBER-
6 00026501, WAYMO-UBER-00026502, WAYMO-UBER-00026503, WAYMO-UBER-
7 00026504, WAYMO-UBER-00026505, WAYMO-UBER-00026506, WAYMO-UBER-
8 00026507, WAYMO-UBER-00026508, WAYMO-UBER-00026514, WAYMO-UBER-
9 00026516, WAYMO-UBER-00026517, WAYMO-UBER-00026519, WAYMO-UBER-
10 00026521, WAYMO-UBER-00026522, WAYMO-UBER-00026525, WAYMO-UBER-
11 00026526, WAYMO-UBER-00026529, WAYMO-UBER-00026530, WAYMO-UBER-
12 00026531, WAYMO-UBER-00026532, WAYMO-UBER-00026533, WAYMO-UBER-
13 00026534, WAYMO-UBER-00026535, WAYMO-UBER-00026536, WAYMO-UBER-
14 00026539, WAYMO-UBER-00026540, WAYMO-UBER-00026543, WAYMO-UBER-
15 00026544, WAYMO-UBER-00026603, WAYMO-UBER-00026604, WAYMO-UBER-
16 00026725, WAYMO-UBER-00026727, WAYMO-UBER-00026888, WAYMO-UBER-
17 00027015, WAYMO-UBER-00027016, WAYMO-UBER-00027017, WAYMO-UBER-
18 00027018, WAYMO-UBER-00027019, WAYMO-UBER-00027020, WAYMO-UBER-
19 00027034, WAYMO-UBER-00027035, WAYMO-UBER-00027037, WAYMO-UBER-
20 00027038, WAYMO-UBER-00027039, WAYMO-UBER-00027040, WAYMO-UBER-
21 00027041.

22 Waymo will further investigate this interrogatory and will supplement its response if
23 necessary.

24 DATED: August 10, 2017

QUINN EMANUEL URQUHART & SULLIVAN,
LLP

25

26

By /s/ Charles K. Verhoeven

27

Charles K. Verhoeven
Attorneys for WAYMO LLC

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